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OFFICE OF PETITIONS

In re Application of Heater et al. :
Application No. 09/619,701 : Decision on Petition
Filing Date: July 19, 2000 :
Attorney Docket No. 0135/00315 :
:

This is a decision on the petition under 37 CFR 1.137(b), filed June 13, 2006, to revive the above-identified application. The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(b) is **dismissed as moot**.

The above-identified application was deemed abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed November 30, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application was considered abandoned as of March 1, 2006. A Notice of Abandonment was mailed on April 13, 2006.

Petitioner contends the issue fee was timely paid. Petitioner has supplied a copy of an "Auto-Reply Facsimile Transmission" report dated February 28, 2006. Petitioner has supplied a copy of an issue fee transmittal sheet. The issue fee transmittal sheet bears a proper certificate of transmission dated February 28, 2006. The petition complies with the requirements set forth in 37 CFR 1.8(b). In view thereof the issue fee is considered timely filed.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR 1.181, petitioner's request to have the petition considered under 37 CFR 1.137(b) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. The petition fee of \$1,500 has been credited to petitioner's deposit account.

The issue fee of \$1,400 has been charged to petitioner's deposit account.

The Office of Publications will be informed of the instant decision and the application will be issued as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
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Office of Petitions